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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 SHARIDAN STILES,

12 Plaintiff,

13 v.

14 PROCTOR & GAMBLE COMPANY,

15 Defendant.
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No. 2:23-CV-0474-DAD-DMC

ORDER

17 Plaintiff, who is proceeding pro se, brings this civil action. Pending before the
18 Court is Plaintiff's motion, ECF No. 9, for default judgment. Plaintiff's motion will be denied as
19 premature because Plaintiff has not requested, nor has the Clerk of the Court entered, Defendant's
20 default on the docket. See Fed. R. Civ. P. 55. To the extent the Court construes Plaintiff's
21 motion as a request for entry of default, such request will be denied because, as Defendant notes
22 in its opposition to Plaintiff's motion, service has not been properly accomplished pursuant to
23 Federal Rule of Civil Procedure 4.¹

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25 ¹ While Plaintiff has submitted a proof of service showing service on Proctor &
26 Gamble Company via an agent in California, and while this can provide prima facie evidence of
27 proper service of process, this prima facie evidence can be overcome with a showing that service
28 was improper. See SEC v. Internet Solutions for Bus., Inc., 509 F.3d 1161, 1166 (9th Cir. 2007).
Defendant's opposition and supporting declarations make such a showing. Specifically, as
demonstrated by Defendant's documentation, Proctor & Gamble Company is an Ohio
Corporation with an agent for service of process located in Ohio. See ECF No. 10.

1 Plaintiff will be provided an opportunity to effect service of process pursuant to
2 method described in Rule 4 for corporate defendants. Plaintiff should note that, as established by
3 Defendant's opposition and supporting declarations, Defendant is an Ohio Corporation and
4 information concerning service can be obtained from the Ohio Secretary of State's Office.
5 Plaintiff is cautioned that failure to effect proper service of process within the time provided in
6 this order may result in dismissal of this action. See Local Rule 110; see also Fed. R. Civ. P.
7 4(m).

8 Accordingly, IT IS HEREBY ORDERED as follows:

- 9 1. Plaintiff's motion for default judgment, ECF No. 9, is DENIED as
10 premature.
- 11 2. To the extent Plaintiff's motion is construed as a request for entry of
12 default by the Clerk of the Court, such request is DENIED.
- 13 3. Plaintiff shall serve Defendant in accordance with the provisions of Federal
14 Rule of Civil Procedure and file a return of service within 60 days of the date of this order.

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16 Dated: October 23, 2023



17 DENNIS M. COTA
18 UNITED STATES MAGISTRATE JUDGE
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